

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TYREE WALLACE,	:	CIVIL ACTION NO. 1:10-CV-0948
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JANE DOE, , et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 12th day of January, 2011, upon consideration of plaintiff's motion for reconsideration (Doc. 45) and motion for relief from judgment (Doc. 49) from the memorandum and order (Doc. 32) granting defendant Klemick's motion to dismiss the complaint based on plaintiff's failure to exhaust the administrative review process, and it appearing that in arguing that he exhausted the administrative review process plaintiff relied on documents that he believed he submitted in opposition to the motion, but were not included in his opposition papers (see Doc 32, at 8), and it appearing that plaintiff is now arguing that an error has been made in that he submitted the pertinent documents with his brief in opposition to the motion to dismiss (Doc. 28), and he has "no idea . . . why those copies were not received," and it further appearing that he now attaches to the motion for reconsideration a copy of the relevant documents (Doc. 45), it is hereby ORDERED that:

1. The motion for reconsideration (Doc. 45) and motion for relief from judgment (49) are GRANTED.
2. The Clerk of Court is directed to VACATE the memorandum and order of November 23, 2010 (Doc. 32).
3. Defendant's motion to dismiss (Doc. 21) will be revisited by the Court forthwith.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge